

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS

ELMEDIN TINJAK
2203 OLDE SAWMILL ROAD
DUBLIN, OHIO 43016

and

MIRANDA TINJAK
2203 OLDE SAWMILL ROAD
DUBLIN, OHIO 43016

Plaintiff,

vs.

BIANCHI USA, INC.
2536A BARRINGTON COURT
HAYWARD, CA 94545

and

CYCLEUROPE, USA, INC.
2536A BARRINGTON COURT
HAYWARD, CA 94545

and

BACKCOUNTRY.COM, LLC
1108 E. SOUTH UNION AVENUE
MIDVALE, UTAH 84047

CIVIL ACTION NO: 2:22-cv-2853

JUDGE:

Magistrate Judge:

Defendants

NOTICE OF REMOVAL

Defendant BACKCOUNTRY.COM LLC, by and through counsel, and pursuant to 28 U.S.C. §§1332, 1441(a), and 1446, gives notice of the removal of this cause of action from the Court of Common Pleas, Franklin County, Ohio, to the United States District Court for the Southern District of Ohio, Eastern Division, and states as follows.

1. On June 10, 2022, Plaintiffs Elmedin and Miranda Tinjak, commenced this action in Franklin County, Ohio, as Case Number 22CV003972. (the “state court action”)
2. Backcountry.com LLC was served with a Summons and Complaint in the state court action on June 17, 2022. Pursuant to 28 U.S.C. §1446(a), a true and accurate copy of the Summons and Complaint served upon Backcountry.com, LLC are attached as Exhibit A.
3. On July 15, 2022, Backcountry.com LLC filed an Answer to the Complaint with Cross-Claim against Defendant, Bianchi USA, Inc./Cycleurope, USA, Inc. in the state court action. A true and accurate copy of Defendant Backcountry.com’s Answer with Cross-Claim is attached as Exhibit B.
4. At the time of Plaintiffs’ commencement of this action, Plaintiffs were citizens of the State of Ohio.
5. Defendant Bianchi USA, Inc./Cycleurope, USA, Inc. is a California corporation with its headquarters and “nerve center” located in Hayward, California.
6. Defendant, Backcountry.com, L.L.C. is a Delaware limited liability company with its headquarters and “nerve center” located in Midvale, Utah.

7. Thus, as between Plaintiff and the Defendants, the controversy is wholly between citizens of different states.
8. The amount in controversy exceeds \$75,000, exclusive of interests and costs, due to the seriousness of the Plaintiff's alleged injuries and damages. Furthermore, it is believed that Plaintiff has made a settlement demand in the six figures.
9. The United States District Court, pursuant to the provisions of 28 U.S.C. §1332, has jurisdiction over this action because there is complete diversity, and, upon information and belief, the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs.
10. After filing this Notice, Defendant, Backcountry.com, LLC will, pursuant to 28 U.S.C. §1446(d), promptly give written notice to Plaintiff and will file a copy of this Notice with the Court of Common Pleas, Franklin County, Ohio.

WHEREFORE, Defendant BACKCOUNTRY.COM LLC, provides notice that this action is removed to the United States District Court for the Southern District of Ohio, Eastern Division pursuant to 28 U.S.C. § 1441 and 1446, and that the Common Pleas Court of Franklin County, Ohio shall proceed no further unless this case is remanded.

Respectfully submitted,

/s/ Matthew M. Duffy

Matthew M. Duffy (Ohio #0071371)
SENIOR TRIAL ATTORNEY
Salaried Employee of The Hanover Insurance Company

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*Attorney for Defendant, BACKCOUNTRY.COM,
LLC*

CERTIFICATE OF SERVICE

A copy of the foregoing was sent this 18th day of July, 2022 *via email only* to the following:

JACOB J. BEAUSAY, Esq.
Attorney for Plaintiff
jjb@beausaylaw.com

And to:

CAROL METZ, Esq.
Attorney for Defendant, Bianchi USA, Inc./Cycleurope, USA, Inc
6150 Oak Tree Blvd., Suite 450
Independence, Ohio 44131

Via ordinary mail.

/s/Matthew M. Duffy

Matthew M. Duffy, Esq.
(Ohio Attorney No. #0071371)